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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,970	09/09/2003	Michal Hlavac	INGEENI-2	3999

7590 01/27/2006
Mark J. Pandiscio
Pandiscio & Pandiscio, P.C.
470 Totten Pond Road
Waltham, MA 02451-1914

EXAMINER

DUNHAM, JASON B

ART UNIT PAPER NUMBER

3625

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/658,970	Applicant(s) HLAVAC ET AL.	
	Examiner Jason B. Dunham	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/08/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| ✓ 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| ✓ 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/28/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of hand-drawn figures. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: Numerous grammatical and typographical errors such as "SerialGroupSkill" and "AmbuLocoGroup" appearing as one word on page 35.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayes-Roth (U.S. Patent Application Publication No. 2003/0028498).

Referring to claim 1. Hayes-Roth discloses a method for doing business comprising:

- Providing an individual with a virtual environment and at least one virtual element within said virtual environment, wherein said virtual environment is configured so that additional virtual elements can be introduced into said virtual environment, and wherein at least one of said virtual elements comprises a virtual character comprising a behavior state, an emotion state, and a learning state, and wherein said behavior state, said emotion state, and said learning state are capable of changing in response to stimuli received from within or outside of said virtual environment (Hayes-Roth: abstract, paragraphs 4,6,23, & 46); and
- Enabling a customer to add an additional virtual element to the virtual environment in response to purchase of a product (Hayes-Roth: paragraphs 6, 7, 179).

Referring to claim 2. Hayes-Roth further discloses a method wherein said additional virtual element is different than the product being purchased (Hayes-Roth: paragraphs 179, 189).

Referring to claim 3. Hayes-Roth further discloses a method wherein the product comprises a good (Hayes-Roth: paragraph 7).

Referring to claim 4. Hayes-Roth further discloses a method wherein the product comprises a service (Hayes-Roth: paragraph 7).

Referring to claim 5. Hayes-Roth further discloses a method wherein the product is purchased by the customer on-line (Hayes-Roth: abstract).

Referring to claim 6. Hayes-Roth further discloses a method wherein the product is purchased by the customer at a physical location (Hayes-Roth: paragraphs 7 & 15).

Referring to claim 7. Hayes-Roth further discloses a method wherein said additional virtual element is delivered to the customer on-line (Hayes-Roth: abstract, paragraph 7).

Referring to claim 8. Hayes-Roth further discloses a method wherein said additional virtual element is delivered to the customer on electronic storage media (Hayes-Roth: paragraph 6).

Referring to claim 9. Hayes-Roth further discloses a method wherein said additional virtual element is configured to change state in response to stimuli received from within or outside said virtual environment (Hayes-Roth: paragraphs 46 & 48).

Referring to claim 10. Hayes-Roth further discloses a method wherein said additional virtual element comprises a virtual character (Hayes-Roth: paragraphs 6 & 7).

Referring to claim 11. Hayes-Roth further discloses a method comprising enabling a customer to add an additional virtual element to the virtual environment without the purchase of a product (Hayes-Roth: paragraphs 14 & 15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes-Roth (U.S. Patent Application Publication 2003/0028498 as applied to claims 1-11 above, and further in view of Nakisa (U.S. Patent No. 6,968,315).

Referring to claim 12. Hayes-Roth discloses all of the above but does not expressly disclose a method including the step of tracking the results of customer interaction through metrics specific to a measure of brand involvement. Nakisa discloses a method including the step of tracking the results of customer interaction through metrics specific to a measure of brand involvement (Nakisa: column 3, lines 34-49 & column 6, lines 48-67). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Hayes-Roth to have included the step of tracking the results of customer interaction through metrics specific to a measure of brand involvement, as taught by Nakisa, in order to better tailor advertising to customers (Nakisa: abstract).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Aldrich (U.S. Patent Application Publication No. 2004/0103148) discloses a system and method a virtual environment inhabited by virtual characters.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JBD
Patent Examiner
01/17/2006



WYNN W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600